

FILED

May 05, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

## UNITED STATES DISTRICT COURT

for the

BY:

AJ

DEPUTY

Western District of Texas

United States of America

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v.

)

Eduardo Ramon BACA

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Case No. SA-21-MJ-524

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 13 - 15, 2020 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21/846, 841(a)(1)&(b)(1)(B)	Conspiracy to Distribute 500 grams or more of a mixture or substance containing a detectable amount of Cocaine.

## PENALTIES:

5-40 years imprisonment; \$5,000,000 fine; 4 years SR  
\$100 mandatory special assessment

This criminal complaint is based on these facts:

 Continued on the attached sheet.
  
 Complainant's signature

DAVID SHEARER, DEA, TFO

Printed name and title

 Sworn to before me and signed in my presence.  
 Sworn to telephonically and signed electronically.

Date: May 5, 2021 at 2:10pm

  
 Judge's signature

Elizabeth S. Chestney, US Magistrate Judge

Printed name and title

City and state: San Antonio, Texas

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA )  
v. ) SA-21-MJ-524  
Eduardo Ramon BACA )

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

1. Before me, the undersigned authority, appeared David M. Shearer, Affiant, who, after being placed under oath, deposed and stated the following:

2. I am an Investigator with the Terrell Hills Police Department, assigned to the U.S. Drug Enforcement Administration (DEA) as a Task Force Officer (TFO) and has been so employed since December 19, 2018. My responsibilities include the investigation of criminal violations of Title 21, United States Code, and other related offenses.

3. I make this affidavit in support of a Criminal Complaint charging Eduardo Ramon BACA with Conspiracy to Distribute a Controlled Substance, to wit, 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled Substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(B), in San Antonio, Texas, in the Western District of Texas, from on or about December 13, 2020 to on or about December 15, 2020.

4. This affidavit is based upon my familiarity and investigation of this matter, as well as conversations I have had with other members of law enforcement also involved in this investigation and from other sources of information specifically discussed herein. This affidavit does not include every fact and matter observed by me or known to the government relating to this investigation.

5. On November 18, 2020, Senior United States District Judge David Ezra, Western

District of Texas, signed an Order authorizing the interception of electronic communications to and from Target Telephone-5 (TT-5).

6. DEA began the interceptions on or about November 19, 2020.

7. On December 13, 14 & 15, 2020, agents intercepted electronic communications (texts) to and from Target Telephone-5, which indicated that "JM" (user of Target Telephone-5) was brokering a narcotics transaction between an unknown courier and an unknown buyer, at JM's residence, located in the 1200 block of W. Gerald, San Antonio, TX.

8. TT-5 user = JM

USER4160 = FNU LNU

USER2829 = FNU LNU, 52-877-100-2829

UM0671 = DL

9. Relevant TT-5 Texts on Dec 13, 2020:

1884 USER2829 to JM      Buenas tardes mi friend (Good afternoon, my friend)

1885 USER2829 to JM      Oiga, sólo para decirle a Smokey que mañana lo veo en la tarde  
(Hey, just to let you know to tell Smokey that I will see him tomorrow afternoon.)

1886 USER2829 to JM      Primero Dios (God willing.)

1887 USER2829 to JM      Sin falta ahora si (This time it is for real)

1888 JM to USER2829      Ok gracias (Okay. Thank you)

1889 USER2829 to JM      Yo le aviso cuando ya cerca para que esten listo. Gracias (I will let you know when close, so you guys can be ready. Thank you.)

1890 JM to USER2829      Ok

10. Based on my experience and training, and that of the other agents assigned to this wiretap investigation, we believed that when USER2829, texting from Mexican cellular telephone number 52-877-100-2829, exchanged this series of texts with JM (TT-5), that USER2829 was either bringing narcotics to JM or was sending a courier with narcotics to JM (“tell Smokey that I will see him tomorrow afternoon”, “This time it is for real”, and “I will let you know when close, so you guys can be ready”). Based on my experience and training, and that of the other agents assigned to this investigation, the text communications intercepted on December 13, 2020, also indicated an initial delay of the transaction.

11. Relevant TT-5 Texts on Dec 14, 2020:

1993	USER2829 to JM	My friend
1994	USER2829 to JM	Buenas tardes (Good afternoon)
1995	USER2829 to JM	Al rato nos vemos ahora si... (We will meet later. Now it is for sure....)
1996	USER2829 to JM	Pa que eaten al pendiente por favor ahora si (So that you can be ready, please. Now it is for sure)
1998	JM to UM0671	Be ready in awhile, my friend wants to go eat. I let u know when he's here
2008	USER2829 to JM	My friend, have you heard from Smokey?
2010	JM to USER2829	He came by yesterday
2011	USER2829 to JM	No it's Ok no worries
2012	USER2829 to JM	I'll call him tomorrow
2013	JM to USER2829	He probably still at work
2014	USER2829 to JM	No worries

2015	USER2829 to JM	Thank you my friend
2025	JM to USER2829	Tadavia vamos a ir a comer verda? (We are still going to eat, right?)
2028	USER2829 to JM	Pos estoy esperando my friend (Well, I am waiting on my friend)
2029	JM to USER2829	Esprando? (Waiting?)
2033	JM to USER2829	Pero si vamos ahora verda? (But... We are going today, right?)
2034	USER2829 to JM	No se my friend (I do not know, my friend.)
2035	USER2829 to JM	Manana pues se hizo tarde yo creo (Tomorrow, because it is already late, I think.)
2036	USER2829 to JM	Manana le. Aviso.. todo ok (I will let you know everything tomorrow, okay.)

12. Again, and based on my experience and training, and that of the other agents assigned to this wiretap investigation, and the texts sent on the day prior, we believed that when USER2829 exchanged this series of texts with JM (TT-5), that USER2829 was supposed to have brought narcotics to JM or sent narcotics to JM via courier, but was delayed because his source didn't supply him on time ("We will meet later. Now it is for sure....", "So that you can be ready, please. Now it is for sure", "We are still going to eat, right?", "Well, I am waiting on my friend", "Waiting?" - "But... We are going today, right?" - "I do not know, my friend", and "Tomorrow, because it is already late, I think"). While these intercepted text communications initially led your Affiant and other case agents assigned to the case believe that the narcotics would be arriving shortly, subsequent text messages again indicated a delay.

13. Additionally, and again, based on my experience and training, and that of the other agents assigned to this wiretap investigation, and the series of texts sent over these two

days, we believed that when JM texted UM0671 (later identified as "DL") "Be ready in awhile, my friend wants to go eat. I let u know when he's here", JM was telling DL that the narcotics would be arriving shortly (they did not).

14. Relevant TT-5 Texts on Dec 15, 2020:

2067	JM to UM0671	Call me when u wake up
2074	USER2829 to JM	My friend, you getting ready?
2075	USER2829 to JM	Thank you
2076	JM to USER2829	Yes sir
2077	USER2829 to JM	Smokey hasn't answered
2078	USER2829 to JM	Everything ok?
2079	JM to USER2829	Yes sir
2080	USER2829 to JM	Phone off
2081	USER2829 to JM	Ok. Hope you can help me, if not he's going to take beers somewhere else...
2082	USER2829 to JM	Let's try to not let him leave
2083	USER2829 to JM	Let me know if you talk to Smokey please
2084	USER2829 to JM	To call me
2085	USER2829 to JM	If not pos, you go ahead....
2086	JM to USER2829	I talked to your friend ill make sure I take care of that so he doesn't have to go elsewhere
2088	USER2829 to JM	Yes to make points and he stay with us
2089	USER2829 to JM	Thank you
2090	USER2829 to JM	Please try to have tickets to raffle ok. Por favor

2091	USER2829 to JM	Thank you, keep me posted
2094	JM to USER4160	1238 W Gerald
2095	USER4160 to JM	Ok
2096	USER2829 to JM	Bad ass my friend
2097	USER2829 to JM	Just spoke to licenciado
2098	JM to USER2829	Yes I got you. Gracias
2101	USER4160 to JM	Ya voy que se vaya acercando (I am going. Have him start getting closer.)
2103	JM to USER4160	ok
2108	JM to UM0671	Where u at
2112	USER2829 to JM	Alright my friend
2113	USER2829 to JM	Licenciado already called you ok!
2114	JM to USER2829	Si ya esta (Yes, it is done)
2115	USER2829 to JM	Bad ass !!!!
2116	JM to USER2829	He just left
2117	USER2829 to JM	Thank you a million
2118	USER2829 to JM	Al ratito hablamos! Gracias y saludos (We will talk later. Thanks and take care)

15. Finally, based on my experience and training, and that of the other agents assigned to this wiretap investigation, and the series of texts sent on the days prior, we believed that when USER2829 exchanged this series of texts with JM (TT-5), that USER2829 was finally bringing narcotics to JM or sending narcotics to JM via courier ("My friend, you getting ready?" – "Yes sir". "Everything ok?" – "Yes sir"). Then there was a series of texts that led agents to

believe that the courier was en route and for JM to keep the buyer there ("I talked to your friend ill make sure I take care of that so he doesn't have to go elsewhere" – "Yes to make points and he stay with us" – "Thank you" When USER 2829 tells JM "Please try to have tickets to raffle ok. Por favor", agents believed that "tickets to raffle" was a code for money / drug proceeds.

16. Based on all of the above, on Tuesday, December 15, 2020, at approximately 3:30 pm, SADO Group D-51 Agents and TFOs and DEA Air wing, assisted by a Bexar County Sheriff's Office (BCSO) marked unit, and Texas DPS marked units, established surveillance around JM' residence, in the 1200 block of W. Gerald, San Antonio, TX.

17. At approximately 3:50 pm, TFA Jason Gamez observed a silver 2018 Chevrolet Suburban, bearing Mexico LP \*\*\*045A (suspected drug courier) park near the target residence. At approximately 4:11 pm, TFA Gamez observed a beige Silverado pick-up truck, bearing TX LP \*\*\*-7224 (suspected buyer) arrive.

18. At approximately 4:30 pm, TFA Gamez observed both vehicles depart. DEA Air wing, and one-half of the Group followed the courier; the remaining members of the surveillance team followed the buyer.

19. At approximately 4:40 pm, TFA Lopez and TFO Diaz attempted to conduct an investigative stop of the beige Silverado pick-up truck on the NB IH-35 access road. The vehicle failed to stop and fled at a high rate of speed. The vehicle turned into a business (\*\*\*\* Party Rentals) at ### Flanders, and attempted to close the gate behind himself. TFA Lopez and TFO Diaz were able to follow onto the property just as the gate closed. TFO Diaz and TFA Lopez made contact with the driver and sole occupant of the Silverado, who had no driver license on his person. The driver was eventually identified as DL. DL refused consent to search the vehicle. A BCSO marked unit arrived shortly thereafter. At approximately 5:19 pm, TX DPS

Trooper Luke Garza arrived with his certified Narcotics K-9. Trooper Garza and his K-9 conducted a free air search of the exterior of the Silverado. According to Trooper Garza, the K-9 alerted to the presence of narcotics in the vehicle. At approximately 5:25 pm, TFA Lopez and TFO Diaz searched the vehicle and seized two bundles wrapped in cellophane and tape consistent with the characteristics of cocaine. DL was arrested and was transported to the SADO for processing and interviewing by SA Brian O'Neill. TFO Diaz and TFA Lopez transported the suspected cocaine to the SADO for processing. DL was questioned, and was subsequently released, pending further investigation.

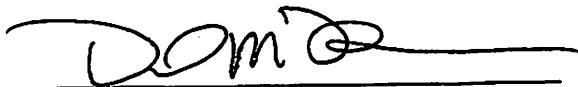
20. The courier was followed to a Best Buy store off of NE Loop 410 and San Pedro/Isom. The courier was then the subject of a traffic stop by Texas DPS Trooper R. Morales off of Northbound Hwy 281 and Brook Hollow Blvd. The driver was identified by his Texas Driver License as Eduardo Ramon BACA. A search of the vehicle revealed a large amount of US Currency (bundled and secured with rubber bands) contained inside a plastic grocery bag. BACA stated that he was an attorney, and that the currency belonged to his employer's beer company. At approximately 6:42 pm, Trooper Morales seized the US Currency and then transferred custody of same to DEA SA James Moreno. BACA was released pending further investigation. SA Moreno transported the currency to the SADO, and processed same per DEA guidelines.

21. Law enforcement databases reveal that that Chevrolet Suburban, driven by BACA (sole occupant) crossed into the US at Laredo, TX, from Mexico on December 14, 2020.

22. On Friday, December 17, 2020, TFOs David M. Shearer and Jaime Diaz transported the seized currency to Loomis for an Official Count. Loomis Official count totaled \$27,200.00 U.S. Currency.<sup>1</sup>

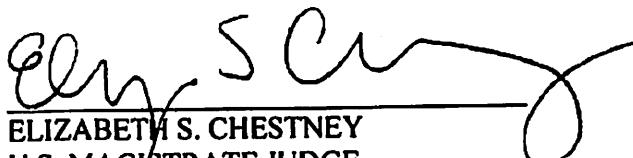
**CONCLUSION**

23. Based on the information contained in this affidavit, I submit that there is probable cause to believe that beginning on or about December 13, 2020, and continuing until on or about December 15, 2020, in San Antonio, Texas, within the Western District of Texas, Eduardo Ramon BACA unlawfully, knowingly and intentionally combined, confederated and agreed with others, known and unknown, to distribute a controlled substance, to wit, 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a schedule II controlled substance, in violation of 21 USC, Sections 846, 841(a)(1) and (b)(1)(B).



David M. Shearer  
DEA TFO

Sworn to before me on May 5, 2021



ELIZABETH S. CHESTNEY  
U.S. MAGISTRATE JUDGE  
WESTERN DISTRICT OF TEXAS

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<sup>1</sup> This amount falls in the range of street value for cocaine in San Antonio, TX. One kilogram of cocaine is valued between \$25,000 and \$32,000.